

PHILLIP A. TALBERT
United States Attorney
ANTONIO J. PATAKA
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIK D. MENDOZA-CONTRERAS,

Defendant.

CASE NO. 1:22-CR-00074-JLT-SKO

STIPULATION SETTING CHANGE OF PLEA
HEARING; ORDER

DATE: November 15, 2023
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel, hereby stipulate as follows:

1. By previous order, this matter was set for status on November 15, 2023.
2. By this stipulation, defendant now moves to vacate the status conference and set a change of plea on December 11, 2023, and to exclude time between November 15, 2023, and December 11, 2023, under 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports and related documents in electronic form, videos, photographs, and digital evidence. The government provided initial discovery and supplemental discovery. On September 26, 2022, the government produced a second batch of supplemental discovery.
 - b) Counsel for defendant desires additional time to review discovery, consult with

his client, prepare for a change of plea hearing, and otherwise prepare for sentencing.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of November 15, 2023 to December 11, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 9, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ Antonio J. Pataca
ANTONIO J. PATACA
Assistant United States Attorney

1 Dated: November 9, 2023

/s/ Nicholas Reyes

NICHOLAS REYES

Counsel for Defendant

Erik D. Mendoza-Contreras

7 **ORDER**

8 IT IS SO ORDERED.

10 DATED: 11/9/23

Sheila K. Oberto

THE HONORABLE SHEILA K. OBERTO
UNITED STATES DISTRICT JUDGE